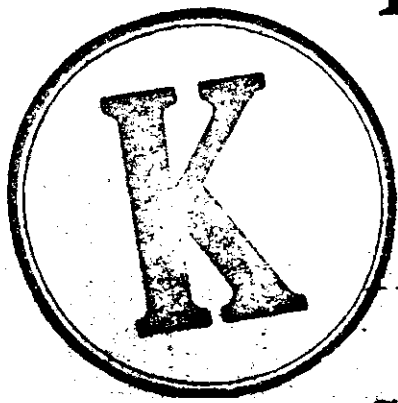




1951

File No. O/L.O. Rules
G-56/51⁵¹

Legal Department.

G BRANCH

Subject:—

Opinion on the

Law Officers Rules 1951

P. 1/51

File No. O/Law Officers - Rules/51

Gen. 194 s.

G-56/51

C O N T E N T S

Legal Department File No. O.L.O.Rules/51.

Sr.No.	R.I./O.	Subject.	Pages.
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Opinions under the Law Officer's Rules.

G-353
13-8-51.

D. of India Act, 1939 section 19
Question regarding appearance in
cases of claims for compensation
submitted before the Collector
of Bombay by some tenants evicted
from the premises requisitioned
under the D. of India Rules for
locating Government Grain Shops.

1-8.

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MP
257
K.R.
20/11

JPE.24/7/56.50.

Defence of India
Act, 1939.
Section 19.

When the property is requisitioned under the Defence of India Rules the amount of compensation is to be determined in accordance with the provisions of section 19 of the Defence of India Act. These provisions are kept alive by section 6(3) of Act XVII of 1947 and the Bombay I of 1951 after 1st April 1951, so far as the State of Bombay is concerned. The compensation could be determined either by agreement under clause (a) of section 19(1) or by arbitration under clause (b). Under clause (f) an appeal lies to the High Court against the award of the arbitrator when the amount of the award exceeds Rs.5000. The compensation proceedings in these cases are held by the Collector and the compensation is determined by the Collector. Whenever these proceedings are held it may be that the representative of the office of the Assistant Controller of Government Grain Shops is asked to attend but he is called there not to argue the case but only to place facts before the Collector for determining compensation. He is not expected to argue the case before the Collector as the meetings ~~before the Collector are not judicial or quasi judicial~~ ^{cl} Proceedings. Appearance of the Government Solicitors (M/s. Little & Co) or some other legally qualified person does not therefore appear to be necessary. If the Collector before finally fixing compensation is confronted with any legal difficulty, it is open to him to refer the same to Government for obtaining the advice of their law officers. Merely because the claimants are represented by an Advocate it is not necessary that M/s. Little & Co. should be asked to appear in these proceedings. The proper stage when legal assistance is necessary would be the stage at which the matter is referred to arbitration.

Id/- J.R.D. 13/8
Remembrancer of Legal Affairs.

U.R. to A.C. of R.(G.G.S.), No.G-353,

dated the 13th August 1951.